IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12122 of 2004

Between:

1 V. Mohan Reddy, Staff No. E. 253053
2 S. Chandra Reddy, Staff No. E. 270453
3 B. Anjaiah, Staff No. E. 250501
4 K. Buchi Reddy, Staff No. E. 251956
5 N. Prakash, Staff No. E. 251857
(All are working in APSRTC Bus Depot, Hayatnagar Depot, Ranga Reddy District).

...PETITIONERS

AND

1 The Regional Manager, APSRTC, Hyderabad City Region, Jubilee Bus Station, Picket, Secunderabad.
2 The Depot Manager, APSRTC, Hayatnagar Bus Depot, Hayatnagar, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of mandamus, declaring the action of the respondents in not giving the Special Grade of respective posts to the petitioners w.e.f. their completion of 12 years of their service in APSRTC by adding stagnation increment is bad, arbitrary, illegal unjust and contrary to the Circular of APSRTC and consequently direct the respondents to award Special Grade to the petitioners w.e.f. their completion of 12 years of service by counting their respectively category service in the previous and present regions of the APSRTC

Counsel for the Petitioner: MR.G.NARASIMHA, Advocate

Counsel for the Respondents: MR.K.HARINATH

The Court at the admission stage made the following Order:

ORDER:

For not granting stagnation increment/Special Grade the present writ petition is filed. The petitioners are working as drivers in the respondent corporation for more than 12 years. As per Circular No.20-65/89 of 03.0.1989 if a workman completes 12 years of service in the cadre of workman he is entitled for Special Grade.

The grievance of the petitioners is that even though they have completed 12 years of service Special Grade has not been granted to them.

The learned counsel appearing for the petitioners contended that all the petitioners have completed 12 years of service in the respondent corporation and therefore they are entitled for the Special Grade/Stagnation Increment.

The learned standing counsel appearing for the respondent corporation contended that only the workmen who completed 12 years of service in one division are eligible for stagnation increment. This Court is unable to accept such a contention because the total service rendered by the workmen in the corporation has to be taken into consideration for granting 12 years stagnation increment.

This Court in WP No.5726 of 2000 dated 23.08.2000 held that the petitioners therein are entitled to Special Grade Increment as they have completed more than 12 years of service in the respondent corporation and the same was

confirmed in WA No.1301 of 2000 dated 29.10.2002. So, following the above decision, the total service rendered by the petitioners has to be taken into consideration for granting stagnation increment. Hence, the respondents are directed to grant the stagnation increment to the petitioners if they are otherwise eligible as per circular dated 03.06.1989 issued by the corporation within a period of two months from the date of receipt of a copy of this order. Writ petition is disposed of, in the circumstances, no costs.

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(K.C. BHANU, J)

July 15, 2004

Dsk/Ars

Note: Issue CC in three days

To

1 The Regional Manager, APSRTC, Hyderabad City Region, Jubilee Bus Station, Picket, Secunderabad.

2 The Depot Manager, APSRTC, Hayatnagar Bus Depot, Hayatnagar, Ranga Reddy District.

3 Two C.D. Copies